



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA 2015-0071-N-3]

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., S.E., Mail Stop 35, Washington, D.C. 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0548." Alternatively, comments may be transmitted via facsimile to (202) 493-6170, or via e-mail to Ms. Toone at kim.toone@dot.gov. Please

refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., S.E., Mail Stop 35, Washington, D.C. 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5

CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Railroad Rehabilitation and Improvement Financing Program (RRIF)

OMB Control Number: 2130-0548

Abstract: Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (Act), 45 U.S.C. 821 et seq., authorized FRA to provide railroads financial assistance through the purchase of preference shares, and the issuance of loan guarantees. Section 7203 of the Transportation Equity Act for the 21st Century of 1998, Public Law 105-178 (1998) (TEA 21), and subsequent amendments in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law No. 109-59 (2005) SAFETEA-LU and the Rail Safety Improvement Act of 2008 (RSIA), Division A of Public Law No. 110-432 have since replaced the previous Title V financing program. On July 6, 2000, FRA published a final rule (FR) with procedures and requirements to cover applications of financial assistance in the form of direct loans and loan guarantees consistent with the changes made to Title V of the Act by section 7203 of TEA 21. On September 29, 2010, FRA published a Notice Regarding Consideration and Processing of

Applications for Financial Assistance Under the RRIF Program. The collection of information is used by FRA staff to determine the legal and financial eligibility of applicants for direct loans regarding eligible projects. Eligible projects include: (1) Acquisition, improvement or rehabilitation of intermodal or rail equipment or facilities (including tracks, components of tracks, bridges, yards, buildings, and shops); (2) Refinancing outstanding debt incurred for these purposes; or (3) Development or establishment of new intermodal or railroad facilities. The aggregate unpaid principal amounts of obligations cannot exceed \$35.0 billion at any one time, and not less than \$7.0 billion is to be available solely for projects benefitting freight railroads other than Class I carriers. The Secretary of Transportation has delegated his authority under the RRIF Program to the FRA Administrator in 1 CFR 1.49. On September 29, 2010, FRA published a Notice Regarding Consideration and Processing of Applications for Financial Assistance Under the RRIF Program. As explained in the notice, FRA's RRIF Buy America policy furthers two of the RRIF program's eight priorities described in 45 U.S.C. 822(c): (3) Promote economic development, and (4) Enable U.S. companies to be more competitive in international markets.

Form Number(s): FRA Forms 217, 219 and 229

Affected Public: State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad.

Reporting Burden - Applications

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response (hours)	Total Annual Burden Hours

260.23 - Form and Content of Application	75,635 potential applicants	18 applications	20	360
260.25 – Additional Information Loan Guarantees	640 potential	15 financial documents	50	750
260.31- Execution and Filing Application	75,635 potential	18 executed applications	.6	10.8
Certificates with Original Application	75,635 potential	18 certificates	.6	10.8
Transmittal Letters	75,635 potential	18 letters	.6	10.8
Application Packages	75,635 potential	18 packages	1.5	27
260.33 – Information Statements	75,635 potential	18 statements	30*	9
260.35—Environmental Impact Statements	75,635 potential	1 impact statement	15,552	15,552
Environmental Assessment	75,635 potential	2 assessments	4,992	9,984
Categorical Exclusions	75,635 potential	15 exclusions	176	2,640
Environmental Consultations	75,635 potential	5 consultations	1	5
260.41--Inspection and Reporting – Financial Records and Other	75,635 potential	18 financial records	10	180

* In minutes.

Reporting Burden - Buy America Act Requirements

Item No.	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
1.1 – Certification of Compliance or Non-Compliance with Buy America Requirements for Steel, Iron, or Manufactured Products being produced by Borrower	18 Borrowers	2,376 compliance certifications	3 hours	7,128 hours
1.2 - Certification of Compliance with Buy America for Rolling Stock	18 Borrowers	1 certification	62 hours	62 hours
2.1 – Waivers – Requests/Applications for Waivers, including FRA Form 229	18 Borrowers	12 waiver requests	198 hours	2,349 hours

2.2-- Public Comment on Waiver Requests	6 Rail Car Manufacturers/ 3Associations/ Public	18 comments	4 hours	72 hours
2.3 --Consultations with Organizations/ Associations Knowledgeable about Sources of Domestic Goods	3 Associations/ 6 Rail Car Manufacturers	12 consultations	1 hour	12 hours
3.1 – Financial Assistance Agreements with FRA	18 Borrowers	18 agreements	60 minutes	18 hours
3.2-- Borrower Request for Proposal (RFP) with Buy America Notice	18 Borrowers	18 RFPs	75 minutes	23 hours
3.3-- Bidder/Offeror Written Explanation concerning Incomplete/Incorrect Certification	11 Bidders/Offerors	3 written Explanations	6 hours	18 hours
3.4 -Borrower/Borrower's Designee Request for Additional Information from Bidder/ Offeror	18 Borrowers 11 Bidders/ Offerors	1 request + 1 document	2 hours + 6 hours	8 hours
3.5--- Borrower Determination to Accept/Reject Bidder's/Offeror's Written Explanation + Notification to FRA of Borrower's Final Determination	18 Borrowers	3 determination /3 notifications	2 hours + 6 minutes	6.25 hours
3.6--Additional Information from Bidder/ Offeror/Borrower after FRA Request	11 Bidders/ Offerors	1 document	2 hours	2 hours
4.1 – Petition to FRA to Investigate Compliance of Successful Bidder/ Offeror with Bidder's/Offeror's Certification by Interested Party	Interested Parties	1 requests/ petitions	12 hours	12 hours
4.2 -- Borrower Investigations (including FRA initiated investigations)	18 Borrowers	3 investigations	333 hours	999 hours
4.3 --Bidder/Offeror Documentation of Compliance Submitted to Borrower after FRA Determination to Conduct Investigation and Letter from Borrower	11 Bidders/ Offerors	2 letters + 2 documents	1 hour + 8 hours	18 hours
4.4 -- Borrower direct reply to FRA after request to conduct investigation of bidder/offeror	18 Borrowers	2 replies	1 hour	2 hours

4.5 --Bidder/Offeror Notice to Borrower that it will respond directly to FRA	11 Bidders/ Offerors	2 notices	60 minutes	2 hours
4.6 --Direct Consultation by FRA with Bidder/ Offeror	11 Bidders/ Offerors	1 consultations	1 hour	1 hour
4.7-- Additional Documents to FRA from Borrower/Investigated Party	18 Borrowers/ 1 Investigated Parties	1 document	4 hours	4 hours
4.8 --Transmission of Borrower/Bidder/Offeror Reply to Petitioner	18 Borrowers	2 replies	30 minutes	1 hours
4.9 --Petitioner Comment to FRA on Reply	1 Petitioners	1 comment	8 hours	8 hours
4.10 --Petitioner Comment Copy to Borrower/ Investigated Bidder/Offeror	11 Bidders/ Offerors	12 comment copies	15 minutes	3 hours
4.11-- Borrower/ Investigated Bidder/Offeror respond to Petitioner Comment	11 Bidders/ Offerors	1 comment responses	8 hours	8 hours
4.12 -- Written request to FRA for information bearing on substance of investigation which has been submitted by petitioner, interested parties, or borrowers	Interested Parties	1 requests	4 hours	4 hours
4.13 -- Detailed Statement to FRA Regarding Confidentiality of Previously Submitted Information to Agency	18 Borrowers/ 11 Bidders/ Offerors	1 detailed Statement	8 hours	8 hours
4.14 -- Borrower Determination to make award before resolution of investigation one of this sections specified reasons	18 Borrowers	1 determination	40 hours	40 hours
4.15 --Notification to FRA by Borrower to make award during pendency of investigation	18 Borrowers	1 notification	1 hour	1 hour
4.16 -- Request to FRA for Reconsideration of Initial Decision by Party Involved in Investigations	Interested Parties	1 request	80 hours	80 hours
5.1 – Pre-Award Audit	18 Borrowers	1 audit	33 hours	33 hours
5.2 -- List by Bidder/Offeror Detailing Facility Assembly Activities	11 Bidders/ Offerors	1 list	8 hours	8 hours

5.3 -- Formal Final Contract between Borrower and Bidder/Offeror	18 Borrowers	1 formal contract	16 hours	16 hours
5.4 -- Post Award Audit	18 Borrowers	1 audit	256 hours	256 hours
5.5 -- Written Agreement by Bidder/Offeror/ Successful Contractor to allow Borrower, its Designee, or FRA to Complete All Audits, Inspections, and Provide All Requested Information	11 Bidders/Offerors / Successful Contractors	1 agreement	4 hours	4 hours
5.6—Rolling Stock Domestic Content Improvement Plans	11 Bidders/ Offerors	1 plan	120 hours	120 hours
TOTALS	n/a	12,090	n/a	11,326

Total Estimated Annual Burden: 40,865 hours

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Issued in Washington, D.C. on February 25, 2015.

Rebecca Pennington,
Chief Financial Officer.